

Cook (S. A.) Dr. Dringlison
ADDRESS

DELIVERED BEFORE THE

MEDICAL SOCIETY,

OF THE

COUNTY OF RENSSELAER,

NEW YORK,

AT THEIR ANNUAL MEETING, JUNE 11, 1844.

BY SIMEON A. COOK. M. D.

29505

PRINTED AT THE BUDGET OFFICE,
TROY, N. Y.

CORRESPONDENCE.

TROY, June 27th 1844.

DEAR SIR: We beg to present to you the thanks of the Rensselaer County Medical Society, for your very able and interesting address delivered before them at their last annual meeting, and request you will favor us with a copy of it for publication at your earliest convenience.

Respectfully Yours.

JAMES THORN, } Committee
J. W. RICHARDS, } on
J. WRIGHT } Publication

To Doctor Simeon A. Cook,

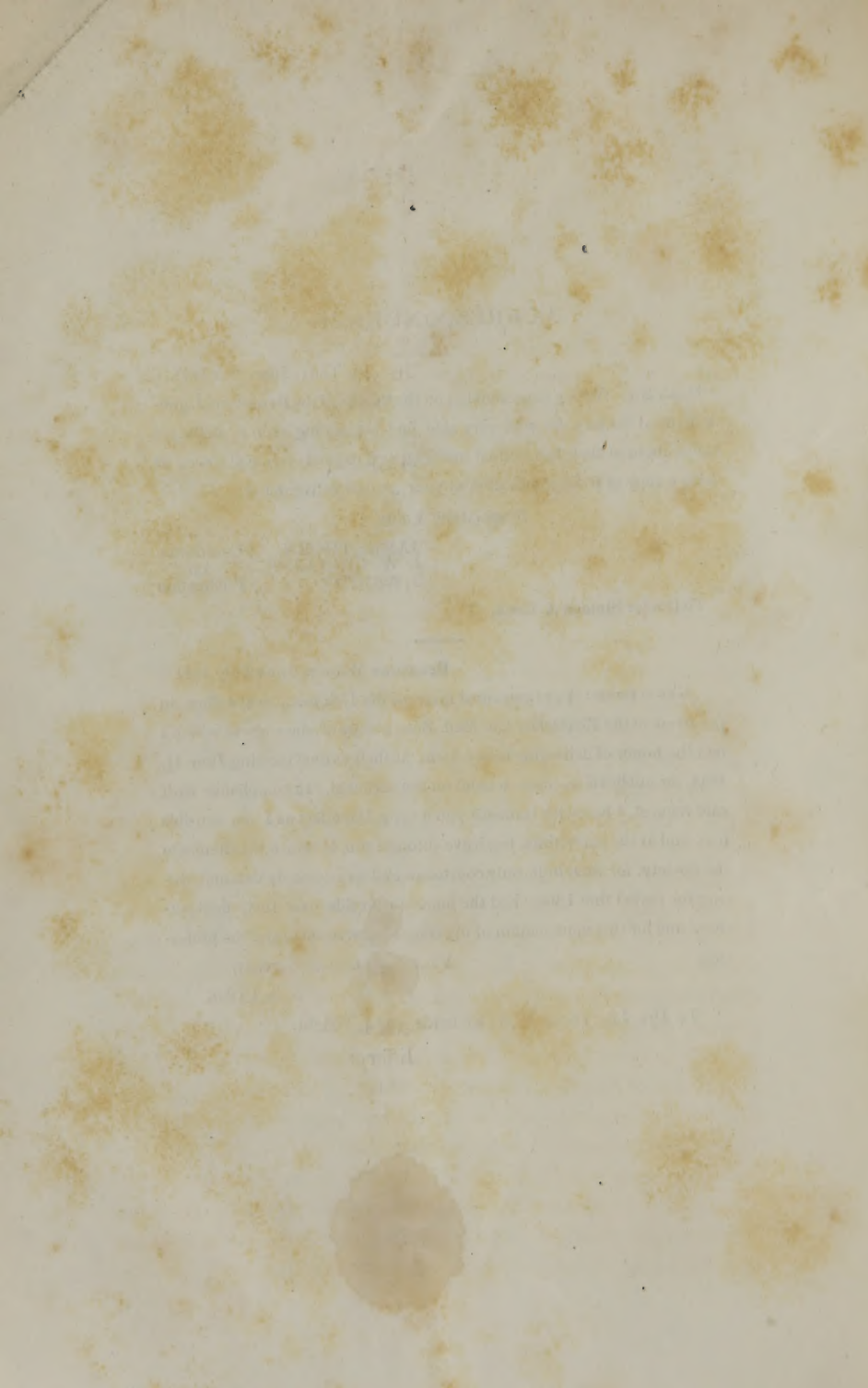
BUSKIRKS BRIDGE, June 28th, 1844

GENTLEMEN: Your esteemed favor of the 17th inst., requesting, in the name of the Rensselaer Co. Med. Soc., a copy of the address which I had the honor of delivering before them, at their annual meeting June 11, 1844, for publication, came to hand on the 25th inst. In compliance with said request, I herewith transmit you a copy, imperfect as I am sensible it is, and at the same time, beg leave through you, to return my thanks to the Society, for their uniformly courteous and gentlemanly conduct, during the period that I have had the honor to preside over their deliberations, and for this appreciation of my efforts to serve them and the profession.

Your very obedient Servant,

S. A. COOK.

To Drs. Jas. Thorn, J. W. Richards, and J. Wright.



ADDRESS.

GENTLEMEN,—

As a Society, we are about to enter upon a New-Year of our connexion with all its duties and responsibilities, The progress of improvement in Medical Science, during the past year, has, as usual, been constant and it might perhaps be said rapid, though no very brilliant discoveries have been made, constituting the period an era in our professional history.

It would afford me great pleasure to particularize, or examine in detail, the progress that has been made in the various departments of Medical Science, the additions and suggestions, that enlightened observation both in the old and new world, has made, with the hope of serving and benefiting man, did the time permit; though I am well aware that these subjects have already become familiar to most, if not all of you, through the numerous periodicals of the day.

And here allow me to remark, that it is a source of much satisfaction to see the press so actively engaged in diffusing the light of science over every portion of our country. True, the same energy is observed in every department of literature whether of Science or fiction, whether treating of the sober realities of truth, or wandering amid the airy visions of imagination; but to me it appears that the activity of the medical mind, if it may be so termed, has never equalled the present. Able Medical writers are becoming sufficiently numerous in our own country to give a respectable character to its literature, while the enterprising publishers of the different cities are opening the rich stores of European Science for our use, and the continuance of both parties in this course is an evidence that they are satisfactorily remunerated for their labor.

Circumstances like these speak well for the Medical profession, as it demonstrates the existence of a deeply felt anxiety for improvement among a majority of its members; and that while they have been constantly bearded, during past years by queru-

lous ignorance and insolent imposture, without deigning to bestow upon them even a passing notice, they have kept their eyes steadily fixed upon the great object of all their desires—the power to benefit their race. They show, also, that however the world may appreciate their efforts, Physicians feel the responsibilities of their calling and are resolved to their utmost to acquit themselves of them. Since our last meeting considerable alterations have been made in our State laws, “regulating the practice of physic and surgery.” During a period of more than eighty years certain and various restrictive enactments have existed upon our statute book, prohibiting without a certain amount of qualification, the liberty to prescribe for the sick the more powerful agents of the *Materia Medica*. These restrictions the State legislature at its recent session have thought proper to repeal, and consequently the learned and the ingorant the Physician and the Empyric enter the arena even handed to compete for the public favor. It is impossible to divine what may be the effect of throwing down all the barriers that have hitherto restrained the rash and uninstructed from rushing forward “where angels scarcely dare to tread.” Yet the public have determined to try the experiment, and from this time forward, he that prescribes for disease a cup of catnip tea, will be entitled to all the privileges of a physician, and he that extracts a sliver from his neighbor’s toe or finger, to all the immunities of a Surgeon.

It may be supposed by many, that the medical profession deprecate such a course of legislation as injurious to their interests, and subversive of valuable privileges hitherto enjoyed.—This I conceive to be a very great mistake, a majority of the medical men of this State having long since become convinced, that however beneficial the law might have been in times past the days of its usefulness had gone by. Besides it was never intended to benefit physicians, except incidentally, by causing them to associate and thereby improve themselves in the science, but was in the main calculated to guard the people against the wily impostor, on a subject of vital importance and with which they could of course be but imperfectly acquainted.

Like many other instances of legislation when the legislators were imperfectly acquainted with the subject upon which they were acting, these laws have not fully answered the purpose of their creation. In the earlier periods of their existence,

their effect was somewhat salutary upon the great mass of the profession. They found it in a state of chaos without form or comeliness, its professors inadequately educated and especially in the sparsely populated sections of the country in what was then the great wilderness of the west, but now the densely populated centre of an enlightened region, and a standard of qualifications was erected, much higher than had hitherto existed.— Societies were formed which soon became nuclei around which the scattered fragments of medical lore collected, and had an opportunity of arranging and disciplining its force and the standard of professional character soon became exalted.

But the period of this usefulness soon passed away, and as the character of the physician became estimable it was sought for in other channels than that of true merit: as the diploma became valuable it was purchased at the lowest possible price of labour and money and too often it must be confessed the latter has been allowed to make up for a deficiency of the former. Thus imperfectly educated individuals have crept into the fold of the profession, and having the stamp of the order, obtained no matter how they have borne like an incubus upon the character of the whole mass. Indeed such was the form of our medical statutes, that could a person by any means obtain a diploma from any of the county societies of the state, or from any college authorized to confer the degree of *Doctor in Medicine* whether in the State or out of it, (and this from the great number of rival institutions with their earnest competition has been and is still too easily accomplished) he could force himself into a membership of any county society, unless they could prove that he was either grossly ignorant or shamefully immoral.

This single feature in the charter of our county medical associations, founded probably upon what the legislature deemed a necessary precaution to prevent any abuse of power, was the canker worm that lay at the root of their utility, and after a few years of ardent strength and a few more of a sickly existence, they ceased to be associations for improvement in medical science; and too frequently were only kept in a state of organization, for the purpose of conferring upon their members, the privilege of collecting the fees for services rendered to the sick, whether those services were of any real value to the patient or not. Instead of stimulating to improvement, they only served

to give currency to ignorance and imposture ; and though probably the majority of them would not fall altogether under so sweeping a censure, yet by being the repository of medical police, they often exhibited scenes of discord, calculated to disgust the more liberal and enlightened portion of their members, and lower the character of the profession in the estimation of a scrutinizing public.

Yet these evils did not arise from any inherent imperfection in medical science, or any lack of magnanimous and noble feeling among the professors of the healing art. Though men "of like passions" with others, the great body of its members will not suffer from a comparison with any class, and uninfluenced by any pecuniary motives, no profession affords more frequent examples of generous sympathy and self-sacrificing philanthropy.

They arose chiefly from a circumstance too common in the practical application of our laws, of giving to a mere form the precedence of facts. A specified time was to be devoted to study before the candidate could be admitted to an examination, and to a certain extent this was well, yet when a certificate of the specified time was received as an evidence of his acquirement it was giving to this form an importance never intended by the framers of the law, and it at once became liable to abuse.*— Credentials of study and character were only intended as an introduction to the ordeal of examination, and not as an evidence of fitness for the profession, as testimony of the opportunity and not of the manner which that opportunity had been improved.— Another defect in the practical operation of the law, was found in the circumstance that, the teacher often occupied the place of censor over his own pupils. This was and is still the case in all our colleges, and perhaps occasionally in our societies, and though charity would attribute the favoritism that might be occasionally exhibited in these cases to more noble motives, than the mutual *back scratching system* of Mr. Scott, yet it has and does often prove an evil and calls for the hand of reform from the profession. Separate the teacher from the censor,

* The author has known students to give each other certificates of time studied signing their names with an M. D. appended to it ; and these certificates have been received as testimony by a college, and the candidate passed, considerably within the three years required by the *curriculum* of study of the same institution. Who can wonder that quackery flourishes and its advocates grow insolent when abuses of this kind are found in the high places of a profession to whose charge is committed the important care of the lives and health of their fellow creatures.

and let the fee of the latter have no connexion with the success or failure of the candidate and depend upon it a class of physicians will rise up who will need no enactment of the legislature to ensure them the confidence of the people, or the title of benefactors of their kind. Another of the evils arising from the law, was the influence the diploma too frequently exercised upon the physician himself. Having attained this, the highest honor of the faculty, the stamp conferring upon him for life all the legal privileges of the order, he too often felt that there was no farther need for effort on his part, for improvement, and hence neglected to continue study, doubly necessary to the young practitioner, as it affords him an opportunity of comparing the statements of those from whom he may have drawn his early information, with his own careful observation. Neglecting thus to form habits of attention and discriminating observation, the physician stopped at what should have been only his starting point in a life of usefulness: retrograded instead of advancing, and in a few years became a routinist, the worst kind of empiric, because however unworthy he bears the label of the order.

And though these remarks might be true with regard to only a minor portion of the members of the profession; yet that portion has weighed like an incubus on the whole mass—the public judging of the value of medical science, not by individual excellence, but by the average acquirements of its professors.

Whether these defects of our State law, which did but carry out the customs, or as it might be expressed, give a legal sanction to the *Curriculum* of all the colleges throughout the country, might have been remedied by the searching hand of reform, by introducing degrees or grades in the honors conferred, proportioning them to the attainments of the different members, by separating the licensing powers from that of teacher is a question—but no longer for the legislator—it belongs to the profession, and by them deserves careful canvassing. The law that has hitherto been said to confer privileges undeserved upon the physician, and bore with its iron hand of oppression upon the poor abused charlatan, who, though perhaps he had never been taught to read, or write his name, had possessed himself of stores of wisdom for which the world groaned in bitterness—is repealed and henceforth merit is to be the only way of approach to public favor.

Under all the circumstances then, the state of the medical profession the, state of the public mind, the abrogation of all prohibitory or penal enactments on this subject, was undoubtedly judicious. It takes away the dependence of those who neglected all improvement, requiring an individual instead of a general character, of the members of the profession. It destroys the Empyrics strong ground of appeal to public sympathy. It removes the prejudice that has hitherto existed against us as a privileged class, and leaves the profession to direct its own internal affairs, and erect its own standard of excellence.

True Medical skill is of the utmost importance to community, and the intelligent of all ages have valued as the highest attainment the power to heal. Monarchs have cast their treasures and honors at the feet of the humble physician;* armies have entered the battle-field with acclamation on the approach of a favorite Surgeon,† and even the pen of inspiration has written “beloved”‡ on their escutcheon: Yet during the recent debate before the legislature, a latitude was taken by the speakers, and a tone of bitterness and sarcasm indulged in, rarely witnessed except in ultra party questions, and which, to the unprejudiced, appeared unsuited either to the character of “grave and reverend Senators,” or to the subject under consideration.—Epithets the most contemptuous and accusations the most ungenerous, were hurled against a profession which had for more than two thousand years, amid all the changes and vicissitudes to which the different nations of the earth have been subject, held the undiminished respect of mankind.

The State medical society have very properly incorporated into their transactions, the reports* of the committees of both houses, and also the speech of the chairman to that of the Senate, in which the bill originated. Mr. Scott to his credit be it said, was the most liberal of the *anti-medical party*, by which term I would designate those who favored repeal on the ground that medical science was but the “baseless fabrick of (a) vision” and deserved neither the countenance of the laws nor the support of society.

* Hippocrates. † Ambrose Pari. ‡ “Luke, the beloved physician.” (Col. 4, 14.)

§ Legislative Documents, being various Reports, Speeches and petitions, made to the legislature on subjects, connected with the interests of the Medical profession.—(See Appendix to Transactions of the N.Y. State Medical Society, 1844, January 25, Feb. 21.)

Such allegations, from the respectability of their source, demand a careful examination, and for this purpose it is proposed to review the speech and report of Mr. Scott in the Senate canvassing the leading ideas advanced by this gentleman and occasionally perhaps noticing the remarks of the select committee of the Assembly on the same subject.

Mr. Scott commences his report with a concise history of medical legislation in this State, and opens his remarks in support of the bill that the Committee introduced, by saying—*“the committee designed to abolish a monopoly, which had long existed he would say that the expression was not too strong—to the disgrace of the State and the age of civilization in which we lived.”* And again,

“He had long viewed with surprise the existence of a *monopoly* in the practice of medicine under the sanction of the laws of the State”*

The reporter must have a definition of the word monopoly peculiar to himself, if he is able by the most distorted construction to bring the hitherto existing laws of the State “regulating the practice of physic and surgery within the scope of such a term.”

A monopoly is not only a privilege granted, but granted to individuals or companies either without conditions, or if on conditions, at the expense of depriving others of like privileges. Thus Sir E. Coke defines it, “An institution or allowance by the King, by his grant, commission or otherwise, to any person or persons, bodies politic or corporate, of or for the *sole* buying, selling, making, working or using, of any thing, whereby any person or persons, bodies politic or corporate, are sought to be restrained of any liberty they had before, or hindered in their lawful trade.” (Brande’s Encyclopedia of Science, see Monopoly.) Thus the essence of a monopoly consists not in the privilege conferred but in the deprivation of others of the same rights. It would be no monopoly to grant to the bridge companies at this city (Troy) and at Waterford, the privilege of collecting toll from those who passed them, the monopoly consisting in not allowing other companies like privileges. Had the medical profession any such privileges conferred on them *solely* as a class? True they had a right to prescribe remedies for the

* Trans. State Med. Society, Appendix, page 61.

sick and collect a remuneration for these services, yet these privileges were granted only on condition of a certain course of study, and a specified examination, and on the same condition they were conferred on all. Every man or woman black or white, born in the State or out of it, of the age of twenty-one years, could become a physician and enjoy all the benefits of this most odious monopoly, "the disgrace of the State and the age of civilization in which we lived," by complying with the requisitions of the statute, and no one, whatever might be his character and influence, could enjoy them without passing the same ordeal. This was a monopoly with a vengeance! The legislature had the hardihood to require that before a man should be allowed to tamper with the lives and health of his fellow creatures, he should have some knowledge of the organization of the body he was about to operate upon, and of the agents with which he designed to act.

Mr. Scott, however, finds some comfort in the fact that a portion of this most odious monopoly had already been repealed.

"The section," he says "declaring it a *misdemeanor* to practice without license punishable with fine and imprisonment is no longer a disgrace to the statute book, and can only be ranked with the ignorance and cruelty of a barbarous age."—True, it is necessary, and the dignity of our laws require, that such should be the case, that a man who may choose to wear his hat in a court of justice, to stand when bidden to sit, or in any other way to express his contempt for perhaps the little specimen of "brief authority" presiding over such a dignified assemblage, should be liable to fine and imprisonment, but to subject a man to the same punishment for so trifling an affair as jeopardizing the health and life of a brother must be "a disgrace to the statute book" and deserves not only to be repealed but expunged so as never to pain the tender feelings of the future philanthropist or statesmen.

Yet it was thought in that dark age from which the people of this State have just emerged, by men of some note at the time, as William W. Van Ness, De Witt Clinton, and others of kindred genius, that the character and qualifications of physicians were subjects worthy the attention of our laws; and it was thought, though probably it was only a phantasy of that benighted period to which we allude, that a subject so difficult to determine as a

some tribunal to judge of such qualifications. The legislature created such tribunals and if they have proved incompetent to the task or truant to their trust they are not the offspring of physicians, not attributable to the imperfection of medical science but claim parentage principally from the legal profession. This truth is conceded by one of the committees to the Assembly in a report from Mr. Turner, who says:

"The framers of such laws acted for the good of society and not for the good of the profession, and whatever of oppression is complained of, whatever of rigor there is in the operation of such enactments, the committee will absolve the faculty from all participation in such supposed injustice. The blame, if blame there is, attaches to those out of the profession, and that person who attempts to render it contemptible by a resort to law and grovelling aspersion betrays an ignorance of the medical legislation in this State. The law of 1806 which first organized county and State medical societies, which first gave the faculty the power of judging of the qualifications of its own members, and which contained a clause prohibiting all unlicensed persons from collecting pay, owes its very existence to the talent and influence of one man, and that man a lawyer, the late William W. Van Ness."

The power of licensing conferred on the county and State medical societies and also the power of the societies to compel physicians to join them within sixty days after a notice shall have been served on them, next meets Mr. Scotts disapprobation.

"But where is the necessity of a diploma or license? Do they ensure more intelligence or skill in any art or profession. The architect, civil engineer and the navigator have no fixed term of service—no apprenticeship is required to complete their art—no license before they can practice it—their genius is left free and untrammelled, and every man in the community is left free to employ them. We have no want of confidence in ships and rail roads because the constructors were unlicensed. We make the necessary enquiries before we trust the one or employ the other. We never employ a surgeon because he has a license but on account of his skill." (63) "The object of this severe law (the power of forfeiting a diploma or refusal to join a county medical society) is difficult to understand. If a man is a skillful and scientific physician, why should he be compelled to join

any society under heavy penalties, or deprived of the free exercise of a profession by which he lives? If his hands be tied or his family starved will this contribute to the diffusing of true science of the healing art? or will it protect the people? By this statute the most scientific and the ignorant are placed on the same footing; all alike are liable to the penalties prescribed."

It is a faculty possessed by some men to reason as well in the cause of error, as in that of truth—indeed to make falsehood appear so much like truth, that the hasty observer would hardly discover the difference—yet truth in the end prevails. The rods of the Magicians, became serpents to appearance as perfect as did that of Moses and Aaron, and no doubt excited in the minds of the spectators equal admiration and wonder. Yet Aaron's "solitary and alone" swallowed them up, and remained only a serpent still. It is ever thus, error after error is swallowed up by truth, yet truth remains the same unchangeable—eternal.

It is related that, while the medical school at Alexandria was at its acme under Herophylus, a philosopher of the Sophist sect appeared, who undertook to prove in the face of this great seminary containing all the medical science of the age, that there could be no such thing as motion, or that matter could not move, and he supported "his assertion by the following dilemma—the fallacy of which by the way," like Mr. Scott's reasoning, is much easier to see at once than to explain. "If matter moves it is either in the place where it is or in the place where it is not; but it cannot move in the place where it is, and certainly not in the place where it is not, therefore it cannot move at all."*—Happening to be so unfortunate as to dislocate his shoulder soon after, Herophylus had an opportunity of demonstrating to him the truth that matter could move. As Mr. Scott professes so intimate an acquaintance with the literature of the medical profession, and especially with its early history, it may be strongly suspected that he has drawn some of his logic from the same Sophist.

A license, he reasons, will not make a man more skillful and all we want of a physician is his skill in the art of healing, therefore a license is of no use, and does actual harm, as it

* British and Foreign Medical Review, Jan. 1843, page 108.

places the most scientific and ignorant on the same footing.

The true point at issue is here lost sight of, or rather an attempt is made to cover it up. It has not been contended that a license and a diploma of membership from a county medical society make a man more skillful and scientific, any more than a permit to practice law before any of our courts of judicature, make a man a more able lawyer, or that a certificate of election to our State legislature make a man more honest, more patriotic and more gifted with common sense. There is no creating power in a license or a certificate of qualifications, it is only an evidence of acquirement and endowment which fit a person for the station he proposes to occupy and as such has always been held. The inspector's stamp on a barrel of pork or beef or flour, makes the contents no better, yet it assures the purchaser of the quality of the article he is buying and as such is valuable. To the question then, "Does a Diploma or License ensure more intelligence or skill in any art or profession?" it is unhesitatingly answered as a general rule, it does. Abuses have undoubtedly crept into the licensing power and these abuses have been frequently acknowledged, and pointed out by the faculty itself, and its different members, have in various ways repeatedly called for the pruning hand of reform, yet with all the imperfections of the system, the unqualified candidates that the ignorance or cupidity of the censors may have permitted to pass, the average standard of medical acquirement in this State has been elevated and if Mr. Scott is really as well acquainted with the state of the medical profession as he professes to be, he could not but acknowledge to himself that its members in this State need not shrink from a comparison with their brethren in any other State in the Union.

The examples brought forward by Mr. Scott to illustrate the inutility of a diploma, though perhaps considered by him during the excitement of discussion as strong cases, yet in the calm moments of reflection he cannot but see, as every other person discovers, that they have no resemblance. The work of the architect or engineer show the skill of the workman at any stage of its progress, and at any stage may be arrested and remedied with a loss only of property; not so with that of the physician where a mistake involves directly the important interests of life and health, and whose work when once commenced, and especially

if commenced wrong, can rarely be arrested till a catastrophe supervene.

He might have found a more suitable illustration in our system of pilotage. And here though it might seem that all ought to be left to the free and untrammelled exercise of their own genius, and every man ought to be allowed to employ whom he pleases, and the spirit of radicalism would say they ought, yet our statute book, "to the disgrace of the State, and age of civilization in which we" live, contains certain odious restrictions. Imitating the "ignorance and cruelty of a barbarous age," our legislature has seen fit, not only to require certain qualifications of those entrusted with the important responsibilities, devolving frequently upon this class but has actually limited their number. They have to be selected by the Governor and Senate from a list furnished by the wardens of New York, "preference always being given to such apprentices as have been indentured, and who shall have honorably served their time."

And why, it may be asked, the necessity of all this form? Does the Governor's commission, a virtual license, make the pilots more skilful and intelligent, certainly not, yet some form is necessary to test the qualifications of the candidates for this station, and the board of Port Wardens of the city of New York has been very properly constituted that tribunal, requiring in order to prevent the effects of favoritism or perhaps too hasty action, the sanction of the Governor and Senate to perfect the appointment. These vouchers are in the end only valuable as they give an assurance to the tempest lost mariner, when about to surrender the helm of his vessel with its cargo of property and life into the hand perhaps of a stranger, that he is qualified for his undertaking. So also a license is valuable as testimony of qualification to the patient or his friends, when the suddenness of the onset of disease give them no time to enquire into the character and acquirements of him to whom they are about to commit their most important interests.

Mr. Scott next indirectly accuses the medical profession of asking "the strong arm of government to decree the *true science*," an accusation sufficiently refuted by an extract on a previous page from his own coadjutors (page 12). He now changes his assaults from the "laws regulating the practice of

Physic and Surgery" to the profession itself, and warmed up by the progress of the question in his report and perhaps by some supposed disrespect in the remonstrance of the *comitia minora* in the parallel passages of his speech, he now challenges to the combat.

"Lay on Mackduff"
And d——d be he who first cries hold—enough."

"Doctors of medicine have always disagreed from the time of Hippocrates down to this day because medicine is not an exact science (Report) "It had for ages been a fact, and had now become a proverb that "doctors always disagree." They had disagreed from the time of Hippocrates to the present day." (speech.)

Mr. Scott might perhaps find it difficult to answer if asked where such a proverb is to be found, and he must not take it unkindly if it is strongly suspected to be one of his own coining—a kind of *lapsus lingue*—a lawyer's license. It has been asserted, and is believed by some honest and well meaning people, that the words lawyer and liar were originally derived from the same etymological root, yet notwithstanding occasionally we have some most extraordinary coincidences I should do injustice to my own sentiments did I not unequivocally declare that I have no confidence in so ungenerous an aspersion on the whole mass of a learned and liberal profession. The well known query of the past which probably constituted the proverb in the speaker's mind at the time, "Who shall decide when doctors disagree" is rather an evidence of the unfrequency of such an occurrence; and that the questions giving rise to so extraordinary an event must be extremely knotty and of difficult solution.

True, medical men do occasionally disagree, and influenced by feeling of rivalry and envy, they undoubtedly too often exhibit the imperfections of human nature. Yet might they fearlessly say "He that is without" like "sin among you, let him first cast a stone." What art or calling is so perfect that its members are free from the spirit of detraction?" Do mechanics or agriculturists agree on hardly a single subject? Let Mr. Scott canvass each of these departments of human science, or even his own favorite branch—the law—and hold up its little imperfections, and cast them to the four winds from the broad pennon of our State capitol, and depend upon it the flag of either would be as darkly spotted as that of medicine.

The reporter next treats us with a catalogue of the different

schools of medicine that have prevailed at different times in the history of our science and with a most ungenerous prejudice, he endeavors to make the profession responsible for all the vagaries and wild fancies that may have been indulged in by those, whether learned or foolish, who may have attended to this subject, in all ages and all countries the imperfections even of the earliest ages, and the different forms of arrant imposture that at present prevail more or less, are all charged to the uncertainty of medical science, and with a most magniloquent flourish of second-hand learning he presents an array of the different schools and names, that have and still do prevail and lead more or less the opinions of the great mass of the profession, as proofs incontestable how far "Doctors always disagree."

He continues, "while so much had been achieved by the observers of the external world, while so great progress had been made in the study of the exact sciences comparatively nothing had been done for the little world within. The medical profession have remained in *statu quo*. If there have been any improvements, any fixed principles which belong to the medical science to be relied upon, why is it that they have changed practice about every thirty years. The only established principle with the profession was this, those that differed with them for the time being were in error, and those belonging not to the established creed, were quacks. He considered their system as a humbug, and might safely say, if ever a people was egregiously humbugged it was the people of the State of New York. The history of medicine forms a melancholy proof, how much the human race have been groping in the dark upon one of the most important subjects to them."

In this passage the speaker has borrowed largely from the stereotyped abuse, with which the advocates of the various forms of empiricism have been for years casting reproach upon a learned and generous profession. He gives a specimen from the genuine slang literature of subteraneans and radicals, classes who find it less difficult to drag such as may be above them down to their own level, than to raise themselves up to theirs. But allowing it to have emanated from the pure recesses of his own bosom, the mighty offspring of his own unaided genius, "left free and untrammelled," it may not be amiss to enquire where Mr Scott has resided during the forty or fifty years last past, that he

has heard of no improvement in medicine, a period in which it has made the most colossal strides. Was it no improvement that Jenner added three years to the average length of human life by his immortal discovery of vaccination; a discovery which within ten years from its first announcement encircled the globe with the richest blessing ever given by the unaided genius of man to his fellow, and stamped the broad seal of protection against the most loathsome of all diseases, upon the children of every kindred tongue and nation? Has Andral made no improvement in our knowledge of pathology? Carswell in the investigation of the elementary form of diseases? Have Piory and Lainez made no improvement in diagnosis by their invaluable methods of applying acoustics to the investigation of disease? Have Bell and Hall done nothing to unfold the nature and functions of the nervous system? Wagner, Muller, Carpenter and Dunglison added nothing to our knowledge of physiology and minute anatomy? Have Depuytren and Cooper and Physic, lived amid scenes of suffering without benefiting their race, and Warren and Mott and Mutter and March at the touch of whose unerring knives the blind see, the lame walk, and the deformed stand once more erect in the loveliness of their Maker's image, labored but for the reputation of accomplished humbuggers. Indeed whoever reads this passage uninfluenced by prejudice and acquainted with the history of medical science, will conclude that Mr. Scott for the moment forgot the high station he occupied and supposed himself pettifogging the case of some Homoepath or Thompsonian, in which the magnitude of the fee depended upon the extent to which he outraged truth.

But it is said that medical practice changes, about every thirty years and therefore can have no fixed principles. If disposed to be critical, Mr Scott might find it somewhat difficult with all his legal acumen to explain how a science could have remained *in statu quo* for about two thousand years, and yet have changed about every thirty years. To relieve him from this dilemma, however, I will endeavor to explain how medical practice may change about every thirty years and yet the science have fixed principles—or Mr. Scott may himself tell why such a change will become necessary with each succeeding generation or about the period of a complete revolution in the fashions and habits of society. He asks:

“Are the present generation more healthy than our ancestors? No sir. On the contrary our diseases have increased with the advance of civilization—or rather with the progress of the *true science* of medicine, provided according to law. Our robust ancestors knew nothing of dyspepsia, coquette fainting fits and other interesting paleness.’ With all our temperance societies, our boasted dietetics we are an effeminate race; we live according to fashion, we send for our doctor according to fashion, and our bones, he was a bout to say, but he meant the bones of the fair sex, were broken according to fashion! Instead of the apothecaries shop, health was sought by the matrons of those days in the open fields; they were our nurses and physicians.”

Here Mr. Scott himself has solved the riddle of this apparent change in medical practice, this to him so great a mystery, by presenting a good reason why such a change would be necessary about as often as he mentions, and hence this bolt of his thunder falls to the ground harmless.

Perfection is ever the boast of the Empyric, his remedies are always adapted to the case, and know no variation on account of habit, constitution or climate. A nostrum may have succeeded in case of disease, and forthwith is proclaimed to the world as suitable for all cases of the kind, or related to it by the remotest analogy at all times and under all circumstances. But it is the under office “of the *true science of medicine*, provided according to law,” to adapt its remedies to the particular cases under treatment, to vary and suit them to the habits and peculiarities of the patient’s constitution, to the epidemic influences which so frequently prevail, modifying essentially the treatment necessary in diseases of the same nosological character.

Fashions also are not only different in different ages but in different countries which must necessarily vary considerably the treatment of diseases as well as present different forms of pathological action. No one but a quack would prescribe the same treatment in any given disease for a Frenchman living on frogs and the light wines of his country, that he would for a beef eating Englishman who was in the daily habit of washing down his respective meals with from a pint to a quart of ale; and how widely from the mark would he fall who should undertake to cure in the same manner inflammation in one of our hardy yankees, who had through his life been in the habit of taking daily

rations of pork and brown bread and quenched his thirst from the chrystal streams of his own native mountains, and one of the effeminate both in body and mind inhabitant of our large cities.

But why multiply examples Mr. Scott has only fallen into an error common among the uninitiated and perhaps too frequently adopted by medical men of considering the different plans of treatment, recommended in the same disease, as an evidence of disagreement among writers, and of imperfection in the science, without taking into consideration the modifying influence of epidemic constitution.

Medical practice must also change from the fact that medicine is a progressive science and improvement must from necessity consist in change. The science of law which it is presumed Mr. Scott will be slow in conceding, has no fixed principles, changes not only every thirty years, but every year as the blotted and tattered pages of our statute book abundantly prove; and if the people of the State of New York have been "egregiously humbugged" by the system of medicine imposed on them by law, they have been still more so by allowing the legal profession that preponderating influence in their councils which they have so long held. Laws have been added to laws on every possible subject, and these have been modified and varied and repealed until our system of jurisprudence has become a perfect labyrinth—a metaphysical maze—and the "glorious uncertainty of the law" is not only a proverb but a melancholy reality; and yet it would be extremely unfair to reason from this circumstance that mankind "have been groping in the dark" during so many ages, on the vitally important science of government. Indeed such deductions do not legitimately follow from the fact presented either with regard to medicine or law and the capability of change or adaptation in their systems, instead of being evidence of imperfection, is a proof of exactness. What constitutes an exact science?—a uniform applicability of the laws, of the science to the subjects of which it takes cognizance. The sciences of Mathematics, and Chemistry appear more exact because the subjects of their investigation are immutable, or only subject to changes of quantity, while those of law and medicine only appear less exact because their objects of operation are variable, being influenced by time and circumstance.

Mr. Scott next chuckles over what he is pleased to term "another disagreement among the doctors." He says:

"But do the faculty agree with the three gentlemen who have signed the remonstrance?*" The proof is the reverse. It appears from a report of a committee, on the subject of medical legislation, to the Monroe County Medical Society, that they addressed a circular to some thirty physicians residing in the several States of the Union propounding the following queries:

1. Is there any law in your state regulating the practice of Physic and Surgery. And what is it?

2. Do the laws in your State prohibit quackery, in any or all its forms of Thompsonian, Botanic, &c., &c.

3. If any law in your State imposing penalties or disabilities, upon the quack, has it ever been repealed or abolished; and if so what influence has such abolishment had upon the increase or decrease of quackery?

In the various answers to these interrogatories, Mr. Scott, as might have been expected, where the opinions of individual in different parts of the country under a variety of circumstances, and without concert, are called for on any subject, those opinions to be drawn from their own observation; finds somewhat of a difference, and forthwith he sets it down as another evidence that "doctors always disagree," and of the imperfection of medical science. Yet these questions have nothing to do with medical science, but belong rather to the science of legislation, and tho' these various "doctors" may have disagreed, it was not as physicians but as lawyers or law-makers, and this circumstance instead of being extraordinary, presents another example—how ridiculous men often make themselves, when travelling out of their proper sphere—when physicians undertake to lecture on law, or *lawyers on physic*.

But, says Mr. Scott, "this report evinces great ability, and industry, and embodies a mass of evidence to my mind irresistible."† This remark is certainly true; and it is equally true

* Memorial of the committee in behalf of the State Medical Society signed by Jonathan Eights, Barrent P. Staats, P. Van Olinda, presented to the Senate by Mr. Faulkner, Feb. 14, 1844, (App. to State Med. Soc. Trans. p. 57.)

† The committee to the Monroe County Medical Society, here alluded to, must feel themselves highly flattered by this laudatory remark of the Chairman of the Select Committee on medical legislation to the Senate; and at the same time no doubt realize the awkwardness of their position, *their consciences not permitting them to return the compliment.*

that it arrives at conclusions in regard to medical legislation somewhat similar to Mr. Scott. But it is in the conclusion, and at this point only that any parallelism is found. The first argue that the laws of the State are incompetent, and in the existing condition of the public mind must of necessity be so ; to prevent quackery, or improve the medical profession. That medical science which is of the greatest importance to community can only compete successfully with the wide spread and hydra-headed charlatanism of the present age by raising the standard of medical reform, while at the same time the legislature take from the empyric the strong ground of appeal to public sympathy, by repealing all prohibitory or penal law on the subject.

The second, that which has been called "the true medical science" is but a humbug having no fixed principles but the disposition of its professors, to combine for the purpose of imposing upon the great mass of mankind, that during the long period of two thousand years they have possessed no common bond of union but interest, and have been governed by no motives but a heartless cupidity, and therefore deserve no countenance from legislation.

The first is a well planned and carefully conducted examination of a great mass of facts on the subject under discussion, of which the committee have taken dignified and liberal views and from which they have drawn logical conclusions.

The second is an ill adjusted harangue, that would scarcely be credible to a fourth rate political stump orator, made up of the stereotyped slang of the low and scurrilous advocates of every kind of quackery from Thompsonianism to corn-stalkism, and only gaining importance by the station from which it came forth; entirely uncalled for by the nature of the question under discussion ! ungenerous in its appeals to public prejudice ! unjust in magnifying and distorting the minor imperfections which must necessarily attach to any calling or pursuit, in which a great variety of talent is engaged, and ungentlemanly in illiberally impugning the motives of a whole profession, which, whatever may be the imperfection of some of its members, has on its catalogue names that would do honor to any station, and the brightness of whose characters even the foul breath of a slanderer cannot dim.

The speaker becomes very indignant at the closing remarks of the *committia minora* of the state society in their remonstrance

to the legislature—pending the bill. After having heard the profession abused from day to day, by men in the employ of themselves in common with the people of the state, they ventured to remonstrate. They say :

“ The undersigned consider it no more than an act of simple justice, that some distinction should be made between a numerous body of men, who have devoted their time and money to qualify themselves for the exercise of their profession, who have gone through a long course of study, and have been subjected to a severe examination before they were permitted to practice ; and others who without expense, without study, without examination, or proof of qualification, assume the title, and undertake the functions of physicians and surgeons. To be put on a par with such, the medical profession will not only regard as an injury, but an insult, and will with one accord, take all constitutional measures to get redressed.”

To this Mr. Scott replies with what he calls a spirit of moderation and candor. He first describes the examination :

“ There is no do doubt senators, were familiar with the organization of county medical societies, in the sparsely settled parts of our State. The law requires but five physicians to constitute a society, four of these are officers. Some of these gentlemen may have students ; very little opportunity is afforded them for improvement, beyond their books, and who have never witnessed a surgical operation, or saw an *anatomy** in their life (lives) except that (of) a horse. Well, this society acting upon the principle of mutuality, as is said of the members of some monied institutions, setting round a table where they want notes discounted, “ you scratch my book, and I will scratch yours ” would reciprocally grant licences “ to their students.” Although this is but broad caricature, and as such is intended by the speaker, it would be inconsistent to deny that there was something of truth in the description. Cases have occasionally occurred, that would without doubt answer to this picture ; and yet in the main it is not true. The painter has exaggerated our deformities, without allowing the more favorable features to appear, and thus has belied the general expression. The imperfections pointed out by Mr. Scott, medical men are aware of, and are as anxious to remedy as the legislature, and if left to themselves will undoubtedly

* Query, What is “ *an anatomy* ? ” is it a science to be learned ? or a thing to be seen ?

succeed in time. Yet to this end, they will have much to clear away—rubbish not of their own making, but produced by the imperfect operation of systems that have been forced upon them by our *wise* law makers.

But Mr. Scott continues, after having thus exhibited what he is pleased to call “the severity of the (medical) examination:”

“What do they mean by this language? They seem to have forgotten their solicitude for the people in their own imagined dignity. Do they mean to threaten us? Are we to be told that we shall not legislate on this subject? Are the people to be delivered over to the tender mercies of the doctors to be bled and blistered and vomited, and must we hold our tongues lest we insult the faculty? He trusted not.”

There was not the least need of this show off rodomontade on the part of the speaker, had he but listened for a moment to the “still small voice” of reason. To those uninfluenced by the feelings that so evidently agitated him the whole harangue sounds more like “the production of a very small lawyer than of a very “great” statesman: appears more as if called forth by a fee, than by the spirit of patriotism. But while the people reverence the body of which Mr. Scott is a member, they perfectly understand the relations that exist between it and them. They know the privileges of the one and the rights of the other, and are determined to maintain both inviolate. Had the *commitia minora* been citizens of the Celestial Empire, and held the same language toward his majesty *Tasu-kuang*, the brother of the sun, emperor of all China &c, he would probably, unless influenced by a freak of magnanimity, have ordered them *strangled* or *bow-strung*, and here the matter would have rested. Mr. Scott influenced by the same kind of republicanism, but not possessing the same power only denounces and reproaches them.

It is some satisfaction, however, that his powers, of evil,, are not commensurate with his zeal, that though he villifies the “doctors” he cannot annihilate them, he cannot make the people believe that their physicians, the kind companions of their hours of affliction, who have bent over them perhaps in times of suffering, are but “licensed murderers,” privileged to a fearful extent—“to kill with impunity” and are influenced in all their transactions by no kindness of feeling or generosity of sentiment.

The *commitia minora* of the State Medical Society, differed

perhaps, somewhat in opinion from a majority of the physicians of the state, with regard to the propriety of repealing the prohibitory or penal portion of the laws on the subject of medical practice; yet they in no wise committed the faculty on this question. The injury or insult of which they complain consisted not in the then contemplated and now consummated repeal of this portion of the law, but in the language—the iterated and reiterated abuse of the profession by such Senators as stood hand and glove with Mr. Scott.

It might have been extremely difficult to have divined the cause of Mr. Scott's bitterness, toward what he is pleased to term the old school of medicine, had he not in the end thrown off the mask and appeared as an advocate of one of the modern systems of empiricism—Homœopathy. He speaks of the visionary character of some of the theories, that have at various times held a temporary popularity in the progressive history of medicine, and have afterwards given place to others, themselves perhaps equally evanescent, and yet has himself adopted, and appears before the Senate to present an argument in favor of the most visionary. His principal reason in favor of his client's cause are the rapid and extended progress it has made, and the long catalogue of distinguished names already enlisted in its cause.

It will hardly be worth while to enquire into the truth of Mr. Scott's catalogue; or whether Homœopathy is indeed "sustained and advocated by more than *one thousand physicians* who have relinquished Allopathia."

As it would make but little difference in the medicinal effect of a quadrillionth of a grain of gold,* or the quintillionth of a drop of brandy, whether the Ex-Physician of the king of the Belgians or Quadri M. D. Professor of the University of Naples, believes in its omnipotence or not. It is a consoling reflection

* "Gold, Silver, Platina, or Charcoal, are without action or motion in their ordinary state, but from a continued trituration of a grain of gold with a hundred grains of powdered sugar, there results a preparation that has already great medicinal virtue. If a grain of this mixture be taken and trituated with another hundred grains of sugar, and if this process be continued, until each grain of the ultimate preparation, contain a quadrillionth part of a grain, we shall then have a medicament in which the medicinal virtue of the gold is so much developed, that it will be sufficient to take a grain, place it in a vial and cause the air from it to be breathed for a few instants by a melancholy individual, in whom the disgust of life is carried so far as to incline to suicide, in order that an hour afterwards this person be delivered from his evil demon and restored to his taste for life" (Hahnemann's Exposition of Homœopathy, by Edwin Lee.) Such is Homœopathy as exhibited by its founder, and if Mr. Scott really believes in its truth, he must indeed possess so great a degree of gullibility, as to make true with regard to him what Byron said of Bishop Burkley. "Not much matter what he does believe."

that a share of the people have a portion of common sense with regard even to so abstruse a subject as medicine, and have also long since learned that "a very great name is too often attached to a very great a——" Indeed, what system of charlatanism cannot boast of as much in this respect as the system of Hahneman, Mankind have ever been subject to the impostures of the cunning, both in regard to religion and medicine, from the time of Mohamed, who was not the first great deciever, to that of Jo Smith, who will not probably be the last, or from Simon Magis to Dr. Perkins, and each successive delusion has had its full proportion of the great and the wise ones of the earth in its train. Dr Johnson is said to have for a time given full credence to the existence of the Cock-Law Ghost ;* and how many enrolled their names on the tablet of immortal folly, by following in the wake of Joanna Southcote. True the influence of amulets and charms and incantations have passed away, but we have in their places the mummeries of Magnetism, the ravings of Thompsonianism, and the infinite follies of Hahnemanism. The nineteenth century may boast of its light and intelligence, and of its unequal strides in the progress of improvement, physical moral, and intellectual and in this respect we have great cause for boasting! yet the temple of human credulity has as broad a foundation in this age as in any other ; and though light breaks in from every quarter, and the "march of mind" has become the watchword of the times, yet with the progress of all other improvement in science or art, the arts of imposture keep pace. And had Mr. Scott examined with the keen eye of a philosophic observer, the progress of each successive delusion that has exercised a more or less extensive influence over the destinies of the human family, as it has risen and spread and faded away, he would have soon discovered that the progress of error was ever more rapid than that of truth ; and what perhaps is the most singular circumstance of all, he would have perceived that its envenomed shafts are never launched at a kindred error but uniformly at truth.

So Homoepathy launches its bolt at the "Allopaths or Old School," the Thompsonions at the "Regulars," &c. but neither at the other. And not contented with defaming our characters,—"robbing us of our good name"—they would fain steal our

* Denied by Boswell, See life, Vol. 2, p. 14, and note also Vol. 4, p. 93.

livery to aid them in their designs of imposition. They all "with one accord" profess a perfect acquaintance with all the mysteries of the true science, till scarcely a vender of the most simple nostrum, ventures before the public without an M. D. attached to his name and the most illiterate Thompsonian, however preposterous the pretension may appear to those who are acquainted with the subject, claims to have read the whole professional *curriculum* of "the regulars" and to have become disgusted in some way with book learning," (as their conversation will very soon demonstrate) "and to have come over to the true way."

The Speaker could not however close his argument without appealing to another deeply rooted prejudice, existing in the public mind against two powerful agents in the hands of the "old school," I mean the lancet and mercury.

"Mr. Scott here read an account of its (Homœopathy,) rapid progress throughout Sardinia. The entire nobility had become Homœopathists, either by conviction or through fear of bloodletting. No individual of adult age troubled with the slightest affection, but he had recourse to bloodletting. Hardly a man could escape one or two bleedings a year, and in acute affections some fifteen or twenty."

He also gives an anecdote from Dr. Dunglisson, where a contented *matron* consoles herself on the loss of a young friend with the reflection that, "thank God, everything was done for him that was possible, *for he was bled twenty-seven times.*"

"But sir there are implements of death in the hands of the old school, no less fatal than the lancet, which has killed more than the sword. I mean mercury in all its forms administered in excess," (more than a quadrillionth of a grain.) "It produces ulceration of the throat, with the destruction of the palate and bones of the nose. Dr. Murphy says the tendency of a fibrous structure to disease, after a mercurial course is well exemplified, and is now so well known, that it has received a distinct appellation, *mercurial rheumatism.*

He says farther—"nodes iritis and ulcers are the usual effects of mercury." Dr. Bedingsfield and Johnson both admit it. In page 480 Dr. Murphy again says, mercury produces dysentary and ulceration of the intestines, Dr. Francis informs us that mercury in certain constitutions has given rise to symp-

toms characteristic of Dysentery, and Dr. Johnson says he has seen several cases of Jaundice produced. Dr. Chapman of Philadelphia, bears testimony to the decomposition of the bones, of frequent occurrence, produced by mercury."

Mr. Scott will be followed no farther. He has been allowed to speak out thus freely in these pages, (and it is presumed that the same consideration influenced the State Society in giving him a place in its transactions) because his remarks embody the arguments of empiricism in all its forms against the regular profession. These consist in denouncing a few of the leading agents with which we combat disease, and a magnifying and distorting of the foibles and imperfections of some of its members. These caricatured, are held up to the world as the natural consequences of the system, and our discussions of unsettled questions in the science, are heralded as evidences, not only of "a disagreement among the doctors" but as proofs of the imperfection and uncertainty of medicine. Yet how futile all these boasted arguments appear before the standard of strict analysis. Let us examine these last arguments before parting with Mr. Scott. He first informs us that, "One half of Germany have embraced this doctrine (Homœopathy) ; that the most recklessly profuse use of the lancet, has driven the entire nobility of the kingdom of Sardinia into the arms of this medical *avatar*, and that there are other implements of death in our hands not less fatal than this

"Little instrument of mighty mischief."

Though of itself single-handed it "has slain more than the sword," I am aware that nothing is more natural, than to magnify the importance of any subject against, or in favor of which, we may be contending. If it be an evil, we are apt to suppose it a monster—the *giant ill*. Mr. Scott has only fallen into a common error, and so intently has he pursued his phantom, that not only wind-mills and trees become giants with which he is ready to set-to, but every thing "an inch high" is an object to be dreaded and destroyed. "The lancet slain more than the sword"? why five hundred thousand chosen men fell before this engine of destruction in a single day,* and it has drank the blood of millions of every generation, and yet, "hear it ye insulted *genii*" who have presided over the blood bought memory of Thermophylæ or Canæ, or of Maringo or Waterloo—the supremacy of woe

* 2 Chronicles, 13, 17.

to the human race is about to be plucked from your brows and placed upon the point of the most insignificant instrument ever wielded by the hand of man.

But does Mr. Scott intend to say that Dr. Dunglisson opposes the use of the lancet, or that Drs. Bedingsfield, Murphy, Johnson, Francis, and Chapman, condemn the use of mercury? If he does, he entirely misrepresents them. Each of them look upon these remedies as agents of almost unequalled utility, and yet capable of becoming extremely injurious by their abuse. If he will turn again to page 480 Johnson's *Med. Chir. Review* for Oct. 1839, which he has quoted with such confidence as a proof from the faculty itself of the truth of his position, he will find that even Dr. Murphy, ultra as he evidently is on the question he is discussing, only condemns a careless and reckless use of mercury; and it is also true that Dr. Dunglisson though he condemns an indiscriminate use of the lancet is decidedly in favor of a rational use of blood-letting.

And what agent, it might here be asked, would be able to sustain a character for utility, if held responsible for the effects of an abuse of its powers: the power to do good, implies a power to do harm if improperly applied; and hence an overruling providence makes use of the most valuable agent in their ordinary employment as the ministers of destruction under extraordinary circumstances. The water that quenches our thirst, and without which not an animated being could survive beyond a few days, once overwhelmed the world in universal desolation; and the fire that warms and invigorates our frames, the symbol of life, is destined to wind up the last scene in the great drama of the earth's history by an universal conflagration.

The question therefore in discussing the merits of any system of medicine, is not altogether whether the medicines used be valuable, for all medicines of any power possess that power alike for good or evil as they may be properly or improperly managed—but rather are those who propose to prescribe them, sufficiently acquainted with their properties, and the laws which govern the organization upon which they are destined to act, to safely direct their application under the ever varying circumstances of the animal system?

You will excuse me, gentlemen, for having detained you thus long, in remarking upon this most extraordinary argument—

extraordinary because an individual of character, and pretensions to science, has come out and proclaimed his preference of ignorance to knowledge—that he prefers still to grope in the darkness of long past ages, rather than to make use of what light, centuries of labor and observation have been able to throw upon a subject of vital importance to the human race, because the work is yet incomplete.

To Mr Scott no apology is due for the use that has been made of his name, though nothing personal has been intended; it is the champion of empiricism at whom our shafts have been aimed. If he choose to become the Goliath of our enemies, and throw defiance at our armies, he must not disdain either us or our chosen missiles, though they be but smooth stones. If he bow himself against the pillars of our temple, to pluck it down, he must risk being buried in its massive ruins. And if any have discovered in these remarks a morbid sensibility on the part of the speaker, let him rest assured that his only object has been to vindicate against the unjust aspersions of slanderers and libellers, the character of a profession, to which he has devoted the best energies of his life, and for whose good name he has ever felt the most anxious solicitude.

“When truth and virtue an insult endures,

The offence is mine my friend.—and should be yours.”

